

United States Senate

WASHINGTON, DC 20510-2101

July 26, 2006

The Honorable Johnnie Burton, Director
Minerals Management Service
US Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Comments on the Notice of Intent to Prepare an EIS
for the Proposed Cape Wind Project

Dear Director Burton:

I am writing to convey my concerns related to the Minerals Management Service's (MMS) intent to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Cape Wind development. This letter provides the principles that I believe should guide MMS in its efforts.

First, I believe that MMS should not proceed with the completion of a DEIS for the Cape Wind project until MMS completes a programmatic EIS for all outer continental shelf alternative energy development. As you know, Section 388 of the Energy Policy Act of 2005 calls for the creation of a comprehensive national offshore alternative energy policy. The only sensible way for MMS to proceed is to complete the comprehensive policy and then consider the Cape Wind proposal in light of the standards and siting policies that will govern all overall national offshore alternative energy development.

The people of the Cape and Islands are deeply concerned that MMS plans to evaluate the Cape Wind project before it develops a national policy. It is simply not appropriate for MMS to consider approving one project before it has devised rules that will apply generally to offshore development. That consideration is even more significant when the project is unprecedented and proposed for location that raises a wide range of substantive concerns. In addition, moving forward with the Cape Wind DEIS before a set of general rules have been established would seem to undermine the ability of MMS to develop a cohesive national offshore alternative energy development program.

One particular problem with this approach is that any comprehensive policy for offshore energy projects will likely include a siting policy that evaluates proposals in the context of the proximity of other sites deemed appropriate for alternative energy development. By proposing to complete the Cape Wind DEIS before establishing what the appropriate sites for offshore energy development are – or how close other such sites may be to the proposed Cape Wind site – MMS will be evaluating the Cape Wind proposal without a

critical input. Approval of the Cape Wind proposal prior to the development of a comprehensive list of development sites may mean that the Cape Wind project prevents the siting and construction of other, more appropriate projects in the same general area.

Second, in analyzing the proposed Cape Wind project, I believe MMS should analyze all alternatives, including land-based sites, deep-sea sites, and competing technologies. While I commend MMS for being clear that several alternative offshore wind farm locations will be considered as part of its proposed DEIS, I do not believe MMS should limit its review to one type of alternative.

Just two months ago, one company proposed building a tidal energy project off the coast of Martha's Vineyard, demonstrating that the construction of 130 turbines on Horseshoe Shoal is not the only alternative energy option for the region. At a minimum, the evaluation of the Cape Wind proposal should include the possibility that alternative proposals may yield greater energy benefits with fewer adverse impacts on the region's environment and economy.

I believe that in its earlier review of the Cape Wind proposal, the Army Corps fundamentally failed to fulfill the intent of the alternatives analysis required under the National Environmental Policy Act by giving too little consideration to viable alternatives to the proposed 130-tower Cape Wind proposal in the middle of Horseshoe Shoal. I urge MMS not to make that same mistake.

Third, MMS deserves to be commended for suggesting that it will consider, as part of its DEIS, potential modifications of scope to the proposed Cape Wind project. This is a critically important issue because there is no reason that the project must be constructed exactly in the shape and size proposed by the developers. It's quite possible that some of the serious concerns over this project's potential impacts on safety, navigation, aviation, commercial fishing, and the marine trades may be mitigated by reducing the number of turbines, arranging them in a different configuration, or moving a number of them to another location.

Each of these alternatives must be examined to ensure that the public's interest is protected. In addition, such an examination of potential changes to scope, size, and arrangement may result in the identification of additional alternative sites for wind energy development.

Fourth, MMS should also work diligently and cooperatively with the US Coast Guard to ensure that the Coast Guard has the time and access to information it needs to provide for safety. The Coast Guard has the authority to insist on conditions necessary to ensure the safety of any wind energy facility in the Nantucket Sound area, and MMS should do all it can to make certain that the Coast Guard has everything it needs to do its job.

Finally, I'd ask that MMS actively engage and listen to the suggestions of the many state, local, and federal stakeholders that must be consulted on this project. During the Army Corps review several federal agencies registered serious concerns with the Cape Wind

proposal. In addition, stakeholders including the State of Massachusetts, the Massachusetts Fishermen's Partnership, and a host of local governmental and civic groups noted serious problems with the Corps analysis.

MMS has pledged to review a broader range of issues than the Corps did, and I believe its imperative for MMS to pay close attention to the concerns raised by stakeholders who found the Corps analysis inadequate and incomplete.

Many thanks for your consideration of this important request.

Sincerely,



Edward M. Kennedy

Cc: The Honorable Dirk Kempthorne, Secretary
Dr. Walter D. Cruickshank, Deputy Director of MMS
Dr. Rodney E. Cluck, Project Coordinator